

**MINUTES OF THE
STATE ELECTIONS ENFORCEMENT COMMISSION'S
REGULAR MEETING VIA TELECONFERENCE
March 16, 2005**

I. Call to Order

Chairman Cashman called the teleconference meeting to order at 9:00 A.M. On line were Commissioners Jenkins and Brett. Commissioner Cashman was present in the Commission's meeting room along with staff members Messrs. Garfield, Lenge, Smith, Crayton, Oyola, Ly, Ms. Andrews and Ms. Blackburn.

II. Approval of the Minutes

A. *Minutes of the February 16, 2005 Regular Meeting*

B. *Minutes of the February 25, 2005 Special Teleconference Call Meeting*

It was moved by Commissioner Jenkins and seconded by Commissioner Brett to adopt the minutes of the February 16, 2005 regular meeting and the February 25, 2005 special teleconference call meeting. So voted.

Commissioner Mendoza joined the meeting at 9:12 A.M.

III. Pending Complaints and Investigations

A. *Public Session*

1. Complaint of Edward Schwing, Haddam
File No. 2004-365
Proposed Consent agreement and Order
Respondent: Walter Czaja, Jr.
Investigators: Attorney Marc W. Crayton &
Lead Legal Investigator Gilberto Oyola
Managing Attorney: Albert P. Lenge

Mr. Schwing, the complainant in the above referenced matter was present.

Mr. Lenge explained the complaint. Attorney Crayton summarized the investigation and the proposed Consent Agreement Order, which includes a henceforth order to comply and a reprimand of the individual who committed the violations.

Mr. Lenge explained that presently the Commission lacks the authority to impose civil penalties for faulty circulation of petitions for a referendum. Connecticut General Statutes §9-7b only authorizes such penalties for primary and nominating petitions.

Mr. Garfield stated that the legislation that addresses this issue is now pending before the General Assembly. The proposed legislation would enable the Commission to redress this type of situation in the future with the imposition of a civil penalty.

It was moved by Commissioner Jenkins and seconded by Commissioner Brett to adopt the proposed Consent Agreement and Order in File No. 2004-365. So voted. A copy of the Consent Agreement and Order is attached and incorporated herein as part of these minutes.

2. Complaint of Philip Sherwood, New Britain
File No. 2004-367
Proposed Consent Agreement and Order
Respondent: Charles E. Littlejohn
Investigator: Attorney Marc W. Crayton
Managing Attorney: Jeffrey B. Garfield

Mr. Garfield summarized the above referenced complaint. Respondent Littlejohn has informed Attorney Crayton that he has signed the Proposed Consent Agreement and Order and that it has been mailed along with the civil penalty of \$500.

It was moved by Commissioner Jenkins and seconded by Commissioner Brett to adopt the proposed Consent Agreement and Order in File No. 2004-367 contingent upon receipt of the signed agreement and the civil penalty within 7 days from today. So voted. A copy of the Consent Agreement and Order is attached and incorporated herein as part of these minutes.

3. Complaint of Lewis Davidson, Old Lyme
File No. 2004-370
Proposed Findings and Conclusions
Investigator: Attorney William B. Smith
Managing Attorney: Jeffrey B. Garfield

Mr. Garfield explained the above referenced complaint and investigation which found no violations with respect to the matters alleged in the complaint. He recommended that the matter be dismissed for the reasons stated in the proposed Findings and Conclusions.

It was moved by Commissioner Jenkins and seconded by Commissioner Brett to adopt the proposed Findings and Conclusions in File No. 2004-370. So voted with Commissioner

Mendoza recusing herself from this matter. The matter is dismissed. A copy of the Findings and Conclusions is attached and incorporated herein as part of these minutes.

4. Complaint of Donald S. Aiken, Hampton
File No. 2004-372
Proposed Findings and Conclusions
Investigator: Lead Legal Investigator Gilberto Oyola
Managing Attorney: Jeffrey B. Garfield

Mr. Garfield explained the above referenced complaint and investigation. He recommended the adoption of the proposed Findings and Conclusions. The Registers of Voters will send a letter of apology to the complainant concerning his loss of voting rights. Mr. Garfield stated that the Commission has no statutory authority under §9-7b to impose a penalty for a violation of §7-6. The Commission has submitted proposed legislation to the 2005 General Assembly that would permit the agency to impose civil penalties in the event of such denials of voting rights.

It was moved by Commissioner Jenkins and seconded by Commissioner Brett to adopt the proposed Findings and Conclusions in File No. 2004-372. So voted. A copy of the Findings and Conclusions is attached and incorporated herein as part of these minutes.

5. Complaint of Leonard M. Caine, III, Naugatuck
File No. 2005-124
Proposed Findings and Conclusions
Investigator: Attorney Joan M. Andrews
Managing Attorney: Jeffrey B. Garfield

Mr. Garfield explained the above referenced complaint. Attorney Andrews summarized her investigation of this matter and the recommendation that the matter be dismissed for the reasons stated in the proposed Findings and Conclusions.

It was moved by Commissioner Mendoza and seconded by Commissioner Brett to adopt the proposed Findings and Conclusions in File No. 2005-124. So voted. The matter is dismissed. A copy of the Findings and Conclusions is attached and incorporated herein as part of these minutes.

Mr. Garfield requested that several items be added to the agenda. The Commissioners agreed to add File No. 2004-123NF, File No. 2004-303NF and 2004-354NF.

6. Referral by the Office of the Secretary of the State
Friends for Lew
File No. 2005-123NF
Respondent: Lewis I. Davidson
Investigator: William B. Smith
Managing Attorney: Jeffrey B. Garfield

Mr. Garfield explained that a letter has been sent to Mr. Davidson directing him to file a termination report for his exploratory committee. He has not responded to the letter. Mr. Garfield requested that the Commission make a motion to find reason to believe that he violated Connecticut General Statutes §9-333j and 9-333y.

It was moved by Commissioner Mendoza and seconded by Commissioner Brett that the Commission finds reason to believe that Patricia Davidson and/or Lewis I. Davidson violated Connecticut General Statutes §9-333j and §9-333y by failing to file a statement of receipts and expenditures terminating his exploratory committee known as Friends of Lew by the January 7, 2004 filing deadline and that a hearing office be designated for this matter. So voted. Chairman Cashman designated Attorney Albert Lenge to be hearing officer for this matter.

IV. Non-Filer Compliance

7. Referral by the Office of the Secretary of the State
File No. 2004-303NF
Vernon Democratic Town Committee
Respondent: David Krause, Treasurer
Investigator: William B. Smith
Managing Attorney: Jeffrey B. Garfield
Compliance with CGS §§ 9-333j and 9-333y

This matter was scheduled for a hearing to be held on March 14, 2005 before Albert P. Lenge. Mr. Lenge informed the Commissioners that Mr. Krause has filed his delinquent report and paid a civil penalty of \$165 for compliance with Connecticut General Statutes §§9-333j and 9-333y.

It was moved by Commissioner Mendoza and seconded by Commissioner Jenkins that the Commission take administrative notice of compliance with the statutes indicated and will take no further action with respect to this matter. So voted.

8. Referral by the Office of the Secretary of the State
File No. 2004-354NF
People for a Change
Respondent: John Murphy, Treasurer
Investigator: Lead Legal Investigator Gilberto Oyola
Managing Attorney: Jeffrey B. Garfield
Compliance with CGS §§ 9-333j and 9-333y

This matter was scheduled for a hearing to be held on March 22, 2005 before Albert P. Lenge. Mr. Lenge informed the Commissioners that Mr. Murphy has filled his delinquent report and paid a civil penalty of \$165 for compliance with Connecticut General Statutes §§9-333j and 9-333y.

It was moved by Commissioner Jenkins and seconded by Commissioner Brett that the Commission take administrative notice of compliance with the statutes indicated and will take no further action with respect to this matter. So voted.

9. Referral by the Office of the Secretary of the State
File No. 2004-301NF
North Branford Democratic Town Committee
Respondent: Mary Hart, Treasurer
Compliance with CGS §§ 9-333j and 9-333y

Mr. Lenge explained that the Respondent has filed the delinquent reports and paid the civil penalty of \$165 for compliance with Connecticut General Statutes §§9-333j and 9-333y.

It was moved by Commissioner Mendoza and seconded by Commissioner Jenkins that the Commission take administrative notice of compliance with the statutes indicated and will take no further action with respect to this matter. So voted.

Commissioner Mendoza left the meeting at 9:35 A.M.

V. Legislative Update

Mr. Garfield stated that he testified before the GAE public hearing to support the Commission's bill on absentee ballot reform and the sanctions bill that would give authority to the Commission to redress various violations of the election laws. He has been in contact with the chairs of the GAE Committee and believes the bills will receive a favorable committee vote. The intention of the Chairmen of the committee is to combine many election law proposals into very few bills. Many legislators have issues with the absentee ballot application and whether it is the root cause of the abuses of absentee voting. There have been some issues raised

with the confidentially portion as well as the disclosure portion and whether or not the changes will curb abuses.

Mr. Garfield stated that the Town Clerks and Registrars of Voters are being helpful. However, it may be difficult to get a positive vote from the legislators. The absentee voting bill will likely be combined with the sanctions and penalties bill as well as the voter verified paper receipts bill. There has been very little opposition to the sanctions bill. It still will need to go to the Judiciary Committee. The other bill likely to be combined into another bill is the Election Day voter registration bill. There is considerable support to expand the voter registration beyond the current 14 day cut off. With regard to the campaign finance reform bill, the details are still being worked out and it is hard to predict how much support it will receive.

Mr. Garfield stated that he feels positive about the Commission's budget request and is optimistic that we will get a budget that will allow us to meet our important mandates.

Mr. Garfield stated that staff has several speaking engagements scheduled. The audit staff will be giving campaign finance seminars for the towns which have May elections. They will be in Naugatuck on March 23. On April 14 Mr. Garfield and the audit staff will speak at the Town Clerks' conference. On April 28, both Mr. Garfield and Mr. Lenge will be going to the Registrars of Voters conference.

VI. Adjournment

It was moved by Commissioner Jenkins and seconded by Commissioner Brett to adjourn the meeting at 9:55 A.M. So voted.

Unless otherwise indicated, all votes of the Commission were unanimous.

The next regular meeting is scheduled for Wednesday, April 13, 2005 at 9:00 a.m.

Respectively submitted,

Lois E. Blackburn
Clerk of the Commission